

# HOUSE BILL 1226

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CF SB 687

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By: **Delegate Bohanan**

Introduced and read first time: February 10, 2012

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Academic Program Action – Repeal of Application Fees**

3 FOR the purpose of repealing the authority of the Maryland Higher Education  
4 Commission to impose certain application fees; and generally relating to  
5 application fees for approval of academic program actions taken by certain  
6 institutions of higher education.

7 BY repealing and reenacting, without amendments,  
8 Article – Education  
9 Section 11–105(a)  
10 Annotated Code of Maryland  
11 (2008 Replacement Volume and 2011 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Education  
14 Section 11–105(o)  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2011 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Education**

20 11–105.

21 (a) In addition to any other powers granted and duties imposed by this title  
22 and subject to any restrictions imposed by law, the Commission has the powers and  
23 duties set forth in this section.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (o)   (1)   The Commission may require an application fee from an institution  
2 of postsecondary education seeking[:

3                           (i)    Certification] **CERTIFICATION** to operate in the State[; or

4                           (ii)   Except for actions relating to programs offered at a regional  
5 higher education center, approval of any academic program action taken under  
6 Subtitle 2 of this title].

7           (2)   (i)    The revenues from application fees shall be distributed to a  
8 special, nonlapsing fund that is not subject to § 7–302 of the State Finance and  
9 Procurement Article.

10                           (ii)   Subject to subparagraph (iii) of this paragraph, the special  
11 fund may be used only to carry out the provisions of Subtitle 2 of this title.

12                           (iii)   At the end of each fiscal year, any amount in excess of  
13 \$100,000 shall revert to the General Fund.

14                           (iv)   Any investment earnings of the fund shall be credited to the  
15 General Fund.

16           (3)   Subject to the provisions of § 11–203 of this title, the Commission  
17 may require bonds or other financial guaranties from institutions of postsecondary  
18 education seeking certification or recertification to operate in the State.

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 July 1, 2012.